

reasonably believing your own life was in danger, then you will be held guiltless.

Now how is it with Maryland? Is it worth while to say that there has been an assault upon our government; that hostile cannon and all the enginery of war has been aimed at the existence of your government? That is history; that requires no argument; and who will tell me that the government is tied down to try by court and jury all who are thus assailing it? If there are those who are attempting to take the life of government, then I say let the law of self-defence leave the government at liberty to take the lives, if necessary, of those assailing it.

Now as to the trial by jury in certain cases. In my official connection with some of the courts I have seen enough of that, even where it has been attempted to be resorted to, to show me conclusively its insufficiency. Suppose a party to be brought in, indicted under our own Maryland statutes, as I have seen them in more cases than one, with the facts as clear as the sun in heaven. Yet it is a well-known fact that the majority sympathize with the act, and if out of the sympathy comes a verdict of not guilty, notwithstanding the facts are clear as I have said, does it not demonstrate beyond the shadow of a doubt, the utter insufficiency of this trial by jury in times of war, and in districts of country that are infested with this political heresy? I have seen it; I have had to go to the bench, occupied by a gentleman than whom none better qualified for the seat lives in the State of Maryland, and say to him, Sir, this is a farce, and I will never take part in such another.

I want to put this idea before gentlemen. For your safety's sake, do not put a law upon your statute book which will be constantly and habitually violated and set at naught. For if you let men feel that they can disobey or violate one law, they will very soon take it into their heads that they can defy other laws and all laws. And if you catch them in the violation of some other law, they will point you, and consistently too, to the violation of the first law which they practiced and which you tolerated. I think no one loves the liberty of the citizen more than I do; no one will go farther to throw about individual liberty all the safeguards of which it is susceptible. I am willing to labor and spend and be spent in this service. But at this time, with so much of danger hanging over our country and its government, when this is a time in the history of mankind to decide whether a man is capable of self-government, no consideration on earth will move me to support any proposition which looks however remotely to a conflict with the supreme power in the land.

I am willing to admit that abuses have occurred here, as they have occurred everywhere. The world never has seen the time when abuses have not occurred. But I say, less are occurring this day, under the circum-

stances, than ever occurred elsewhere under similar circumstances. And therefore, for my part—let other gentlemen do as they please, let them look towards putting in the Constitution of the State any provision which may bring you and me in conflict with the Government of the United States and the government at Washington, let them do on that subject whatever they please—for me, I never will agree to it. I love liberty, and I want to see it preserved, not only for us and for this nation and generation, but for all generations to come. I want to see it preserved, and I believe, as I believe in my existence, that the only hope for free government throughout the world is in the preservation of that form of government and that very government which our fathers left us.

Mr. CLARKE. I would not take up the time of the House in replying to the gentleman from Howard, (Mr. Sands,) if he had continued his interrogatories and permitted me to reply to them as he put them. But, as he afterwards put several questions, it becomes necessary, being in the position I have taken upon this question, that I should occupy the time of the Convention for a very few moments. I do not propose to follow the gentleman through all the various positions he has assumed. As to the question of allegiance, the 4th article of this bill of rights will bring that question up, and I do not propose to give the gentleman now the benefit of knowing what I may choose to say when that article comes before the House. When it is legitimately before us, I think I shall at any rate be prepared to present my views upon it, without any prevarication, and in plain and distinct terms. And when those views are given, I humbly conceive they will do as much towards the preservation of the Constitution of the United States and the laws of Congress passed in pursuance thereof—following the words of the Constitution, and not, as the gentleman puts them, “under the Constitution”—as anything which may emanate from the gentleman from Howard, (Mr. Sands.)

Now, in reference to assuming a position of hostility to the Constitution of the United States, I will ask the gentleman this plain question: Does the simple insertion into the bill of rights of the State of Maryland of a provision which exists in the Constitution of the United States itself bring the government of the State of Maryland into conflict with the Government of the United States? If it does, then the Government of the United States must be in conflict with the Constitution of the United States.

Mr. SANDS. I will answer the gentleman's question, if he will allow me. Will he repeat it?

Mr. CLARKE. If the insertion into the Constitution of the State of Maryland of a provision copied from the Constitution of the United States, and which assigns the same